

Message Text

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ACTION EB-11

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FM AMEMBASSY ROME

TO SECSTATE WASHDC IMMEDIATE 094

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E.O. 11652: N/A

TAGS: ETRN, IT

SUBJECT: CIVAIR - ALITALIA WETLEASE/SEABOARD CAPACITY

REF: STATE 150432

1. SUMMARY. EMBOFF DISCUSSED TRADEOFF PROPOSED REFTTEL AT LENGTH TODAY WITH CIVILAVIA REP LIOI. HE MADE COUNTERPROPOSAL: IN RETURN FOR CAB APPROVAL ALITALIA-AIRLIFT INTERNATIONAL WETLEASE, CIVILAVIA WOULD APPROVE SWITCH OF ALL-CARGO FREQUENCY FROM PAA TO SEABOARD AND WOULD GIVE CONSIDERATION, ON AN INDIVIDUAL BASIS, TO SEABOARD REQUESTS FOR ONE EXTRA SECTION A WEEK BEGINNING WEEK OF SEPTEMBER 24 AND ENDING NOVEMBER 1 WHEN IATA WINTER SEASON BEGINS. SEABOARD SHOULD FILE FOR ONE ADDITIONAL FREQUENCY BEGINNING NOVEMBER 1, WHICH REQUEST WOULD BE CONSIDERED UNDER PROVISIONS OF MEMORANDUM OF UNDERSTANDING (MOU). END SUMMARY.

2. CIVILAVIA POSITION IS THAT CAPACITY INCREASES FOR EITHER COMBINATION OR ALL-CARGO SERVICES CAN ONLY BE INSTITUTED AT BEGINNING OF IATA SEASON. IN THEIR VIEW, ALL THREE SCHEDULED US CARRIERS -- PAA, TWA AND SEABOARD -- MUST FILE PRELIMINARY SCHEDULES 90 DAYS AND DEFINITIVE SCHEDULES 60 DAYS IN ADVANCE OF EACH IATA SEASON. GOI DECISION WHETHER TO REQUEST CAPACITY CONSULTATION FOR EITHER PASSENGER OR CARGO SERVICES WILL THEN BE BASED ON RELATIONSHIP OF PROPOSED CAPACITY (BOTH COMBINATION AND ALL CARGO SERVICES IN LIMITED OFFICIAL USE

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RELATION

TO CARGO CAPACITY) TO ESTIMATED TRAFFIC AND NOT ON CAPACITY DURING PREVIOUS CORRESPONDING IATA SEASON. EMBOFF REPLIED THAT US INTERPRETATION OF MOU WAS THAT CAPACITY CONSULTATIONS COULD BE REQUESTED ONLY IN CASE OF CAPACITY INCREASE.

3. CIVILAVIA FURTHER STATED THAT DURING PERIOD OF PROVISIONAL APPLICATION OF MOU TO ALL-CARGO SERVICES (WHICH ENDED JUNE 22, 1973) THE 17 US ALL-CARGO FREQUENCIES COULD BE SHARED IN ANY MANNER. CIVILAVIA VIEW IS THAT, UNDER DEFINITIVE APPLICATION OF MOU, ONCE SCHEDULES FILED NOT RPT NO SWITCHING OF FREQUENCIES (EITHER COMBINATION OF ALL-CARGO) FROM ONE US CARRIER TO ANOTHER IS PERMISSABLE WITHOUT PRIOR CIVILAVIA APPROVAL. EMBOFF STRONGLY DISAGREED, ARGUING THAT, IN RELATION TO ALL-CARGO SERVICES, THE ONLY FACTOR TO BE CONSIDERED WAS CAPACITY AND THAT HOW AUTHORIZED FREQUENCIES ALLOTTED WAS NOT WITHIN PURVIEW OF CIVILAVIA.

4. ON JULY 30 EMBASSY RECEIVED NOTE FROM MFA DEFINITELY REJECTING US PROPOSAL FOR SIMPLE 60-DAY ADVANCE NOTIFICATION FOR CAPACITY INCREASES IN ALL-CARGO SERVICES. HAVING REJECTED US PROPOSAL, AND ON BASIS CIVILAVIA POSITION DESCRIBED ABOVE, LIOI SAID THERE IS NO RPT NO LEGAL BASIS FOR SEABOARD TO PROPOSE ADDITIONAL FREQUENCY DURING CURRENT SUMMER SEASON SINCE REQUEST NOT FILED 90/60 DAYS PRIOR TO BEGINNING OF SUMMER SEASON. WHEN EMBOFF POINTED OUT THAT MOU LIMITED US CARRIERS TO 17 FREQUENCIES A WEEK UNDER PROVISIONAL APPLICATION AND THAT DEFINITIVE APPLICATION BEGAN IN MIDDLE OF IATA SEASON, LIOI RESPONDED THAT THIS PROBLEM SHOULD HAVE BEEN FORESEEN BY USG WHEN AGREEMENT SIGNED IN 1970.

5. LIOI STATED THAT CIVILAVIA INTERPRETATION OF MOU WOULD NOT PERMIT TRADEOFF PROPOSED REFTEL. IN INTERESTS OF MAINTAINING GOOD CIVIL AVIATION RELATIONS BETWEEN US AND ITALY, HOWEVER, HE PROPOSED THAT, IN RETURN FOR CAB APPROVAL ALITALIA - AIRLIFT INTERNATIONAL WETLEASE, CIVILAVIA WOULD APPROVE SWITCH OF ONE ALL-CARGO FREQUENCY FROM PAA TO SEABOARD AND WOULD CONSIDER, ON AN INDIVIDUAL BASIS, SEABOARD REQUESTS FOR ONE EXTRA SECTION A WEEK DURING PERIOD SEPTEMBER 24 -NOVEMBER 1. HE NOTED THAT CIVILAVIA HAD IN PAST BEEN VERY GENEROUS IN GRANTING PERMISSION FOR EXTRA SECTIONS TO ALL THREE US CARRIERS. HE ADDED THAT A SEABOARD REQUEST FOR ADDITIONAL FREQUENCY, BRINGING US TOTAL TO 18 A WEEK, IF FILED NOW TO COMMENCE NOVEMBER 1 WOULD BE LIMITED OFFICIAL USE

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CONSIDERED UNDER PROVISIONS OF MOU.

6. EMBASSY ANTICIPATES DIFFICULTIES FOR FUTURE SEABOARD, AND PERHAPS PAA AND TWA, REQUESTS FOR EXTRA SECTIONS SHOULD CAB DISAPPROVE ALITALIA-AIRLIFT INTERNATIONAL WETLEASE. EMBASSY ALSO NOTES THAT LIOI DID NOT GUARANTEE APPROVAL OF SEABOARD EXTRA SECTIONS REQUEST DURING PERIOD SEPTEMBER 24 -NOVEMBER 1.

7. EMBASSY NOTIFIED MFA (PUCCIONI) JULY 31 THAT PRELIMINARY PAA, TWA AND SEABOARD WINTER SCHEDULES WOULD BE FILED, BUT NOTE DATED JULY 31 NOT DELIVERED UNTIL AUGUST 1 BECAUSE PAA AND TWA SCHEDULES NOT AVAILABLE TO EMBASSY BEFORE CLOSE OF BUSINESS JULY 31. TO ENSURE ADDITIONAL SEABOARD FREQUENCY NO LATER THAN NOVEMBER 1, EMBASSY INTENDS TO DELIVER NOTE TO MFA TOMORROW, REFERRING TO SEABOARD CARGO CAPACITY INCREASE EFFECTIVE NOVEMBER 1 AND CITING PROCEDURE UNDER MOU: 90/60 DAY NOTIFICATION, GOI DECISION WITHIN 10 DAYS OF 60 DAY NOTICE WHETHER TO REQUEST CONSULTATIONS AND NOTING THAT IF CONSULTATIONS ARE REQUESTED THE 18TH ALL-CARGO FREQUENCY GOES INTO EFFECT BUT CAPACITY FROZEN AT THAT LEVEL PENDING US-ITALIAN AGREEMENT.

8. USG AND GOI OBVIOUSLY NOT ON SAME WAVELENGTH RE INTERPRETATION OF MOU. LIOI PROPOSAL IS METHOD FOR DE FACTO COMMENCEMENT OF ADDITIONAL SEABOARD FREQUENCY EFFECTIVE SEPTEMBER 24, ASSUMING EXTRA SECTION APPROACH SATISFACTORY TO SEABOARD AND EACH REQUEST APPROVED BY CIVILAVIA, BUT WOULD TEND TO CONFIRM CIVILAVIA POSITION THAT HOW US ALL-CARGO FREQUENCIES ARE ALLOTTED IS SUBJECT TO CIVILAVIA APPROVAL.

9. REQUEST EMBASSY BE NOTIFIED OF CAB DECISION AS SOON AS POSSIBLE. VOLPE

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